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| ANTHONY LUKE SIMON | | | DANIEL JR, WILLIE J | |
| General Motors | S Corporation | • | <u></u> | |
| Legal Staff, Mail code 482-C23-B21 | | ART UNIT | PAPER NUMBER | |
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| Detroit, MI 4 | 8265-3000 | | | |

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | | | | |
|---|---|-------------------|--|--|--|--|
| | 10/052,504 | VIDETICH, MATT C. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Willie J. Daniel, Jr. | 2686 | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on 27 October 2004. | | | | | | |
| 2a)⊠ This action is FINAL . 2b)□ This | This action is FINAL . 2b) This action is non-final. | | | | | |
| • | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | |
| Disposition of Claims | | | | | | |
| 4) Claim(s) 1-32 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-32 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. | | | | | | |
| Application Papers | | | | | | |
| 9) The specification is objected to by the Examiner. | | | | | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date | 4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other: | | | | | |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 27 October 2004. Claims 1-32 are now pending in the present application.

Specification

2. The amendment filed 27 October 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Regarding the specification amendment of the paragraph beginning on pg. 4, lines 17-30 which is the deletion of the statement ", and in one embodiment may include the OnStar System as is known in the art.", this deletion of the statement was not originally supported in the original application. The original specification supported that one embodiment may include the OnStar system that is known in the art.

Applicant is required to cancel the new matter in the reply to this Office Action.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al. (hereinafter Uchida) (US 6,127,947).

Regarding Claim 1, Uchida discloses a method for vehicle preference selection monitoring comprising (see col. 2, lines 16-2'0; col. 19, lines 20-36; Figs. 1-2, 7):

initiating communication between a mobile body communication device (17) which reads on the claimed "mobile communication unit" and a dealer (20) which reads on the claimed "base station", wherein communication is performed within a information communication system which reads on the claimed "mobile vehicle communication system" (see col. 2, lines 16-24; col. 15, lines 42-45; col. 19, lines 30-51; col. 20, lines 41-51; Figs. 1, 7), where the system communicates via wireless communication to the dealer (20);

requesting at least one vehicle parameter which reads on the claimed "preference setting" from the mobile communication unit (17) (see col. 15, lines 14-20; Figs. 3 "ref. 102", 7, 15 "ref. 512");

receiving the vehicle preference setting (parameter) request at the mobile communication unit (17) (see col. 15, lines 32-35; col. 19, lines 26-35; Figs. 3 "ref. 110", 4);

determining vehicle preference setting (parameter) for the mobile communication unit (17) (see col. 15, lines 32-35,42-45; col. 18, lines 12-23,46-67; col. 21, lines 27-36);

transmitting to the base station (20) the vehicle preference setting (parameter) from the mobile communication unit (17) (see col. 15, lines 20-22,42-45; Figs. 3 "ref. 106", 4 "ref. 204"); and

receiving the vehicle preference data (parameter) at the base station (20) (see col. 15, lines 20-22,42-45; Figs. 3 "ref. 109"; 4 "ref. 204").

Regarding Claim 3, Uchida discloses the method of claim 1 wherein the base station (20) is a dealer (20) which reads on the claimed "call center" (see col. 20, lines 30-36; Fig. 1).

Regarding Claim 4, Uchida discloses the method of claim 1 wherein the base station (20) is an information center (30) which reads on the claimed "third party" (see col. 20, lines 30-36,41-65; Fig. 1), where the information center communicates via wireless communication with the mobile body communication device (17).

Regarding Claim 5, Uchida discloses the method of claim 1 wherein the vehicle preference setting (parameter) is requested by the mobile communication unit (17) (see col. 22, lines 17-20,27-35,41-54; col. 24, lines 44-51; Fig. 9 "ref. 512").

Regarding Claim 6, Uchida discloses the method of claim 1 wherein the vehicle preference setting (parameter) is determined by an electronic control unit (12) which reads on the claimed "module" (see col. 19, lines 31-54; col. 24, lines 44-51; Figs. 2, 7, 8, 11-12).

Regarding Claim 7, Uchida discloses the method of claim 1 wherein the vehicle preference setting (parameter) is determined from an E²PROM (14) which reads on the claimed "memory" (see col. 14, lines 14-21,48-51; col. 15, lines 18-20; col. 27, lines 26-30,57-58; Figs. 2, 11, 12).

Regarding Claim 8, Uchida discloses the method of claim 1 further comprising appending at least one vehicle attribute to the vehicle preference setting (parameter) (see col. 18, lines 46-56; col. 24, lines 32-37,55-61; col. 27, lines 26-30; Fig. 6 "ref. 408").

Regarding Claim 9, Uchida discloses the method of claim 1 further comprising appending at least one system diagnostic to the vehicle preference setting (parameter) (see col. 1, lines 46-49; col. 24, line 64 - col. 25, line 17).

Regarding Claim 10, Uchida discloses the method of claim 1 further comprising appending at least one vehicle predetermined values which reads on the claimed "default setting" to the vehicle preference setting (parameter) (see col. 14, lines 47-51; col. 27, lines 26-30), where the audio, for example, has preset radio list (see col. 20, line 11 "Table 1").

Regarding Claim 11, Uchida discloses the method of claim 1 further comprising appending at least one user log-in ID which reads on the claimed "identifier" to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-31; col. 22, lines 17-26), where the user of the system has a log-in ID and information is stored for the registered user according to the parameters set by the user.

Regarding Claim 12, Uchida discloses the method of claim 1 further comprising appending information registered which reads on the claimed "subscriber information" to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-35), where the information is stored according to the registered user and the information is changed as the newest information.

Regarding Claim 13, Uchida discloses the method of claim 1 further comprising storing the received vehicle preference setting (parameter) in a memory device (46, 36, 26)

which reads on the claimed "database" (see col. 13, lines 24-27,40-43,63-65; col. 14, lines 18-21; Figs. 3 "ref. 110", 5 "ref. 312").

Regarding Claim 14, Uchida discloses a system for vehicle preference selection monitoring comprising (see col. 2, lines 16-20; col. 19, lines 20-36; Figs. 1-2, 7):

means for initiating communication between a mobile communication unit (17) and a base station (20), wherein communication is performed within a mobile vehicle communication system (see col. 2, lines 16-20; col. 15, lines 42-45; col. 19, lines 30-51; col. 20, lines 41-51; Figs. 1, 7), where the system communicates via wireless communication to the dealer (20);

means for requesting at least one vehicle preference setting (parameter) from the mobile communication unit (17) (see col. 15, lines 14-20; Figs. 3 "ref. 102", 7, 15 "ref. 512"); means for receiving the vehicle preference setting (parameter) request at the mobile communication unit (17) (see col. 15, lines 32-35; col. 19, lines 26-35; Figs. 3 "ref. 110", 4); means for determining vehicle preference setting for the mobile communication unit (17) (see col. 15, lines 32-35,42-45; col. 18, lines12-23,46-67; col. 21, lines 27-36);

means for transmitting to the base station (20) the vehicle preference setting from the mobile communication unit (17) (see col. 15, lines 20-22,42-45; Figs. 3 "ref. 106", 4 "ref. 204"); and

means for receiving the vehicle preference data at the base station (20) (see col. 15, lines 20-22,42-45; Figs. 3 "ref. 109"; 4 "ref. 204").

Regarding Claim 15, Uchida discloses the system of claim 14 further comprising means for appending at least one vehicle attribute (parameter) to the vehicle preference

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setting (parameter) (see col. 18, lines 46-56; col. 24, lines 32-37,55-61; col. 27, lines 26-30; Fig. 6 "ref. 408").

Regarding Claim 16, Uchida discloses the system of claim 14 further comprising means for appending at least one system diagnostic to the vehicle preference setting (parameter) (see col. 1, lines 46-49; col. 24, line 64 - col. 25, line 17).

Regarding Claim 17, Uchida discloses the system of claim 14 further comprising means for appending at least one vehicle default setting to the vehicle preference setting (parameter) (see col. 14, lines 47-51; col. 27, lines 26-30), where the audio, for example, has preset radio list (see col. 20, line 11 "Table 1").

Regarding Claim 18, Uchida discloses the system of claim 14 further comprising means for appending at least one user identifier to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-31; col. 22, lines 17-26), where the user of the system has a log-in ID and information is stored for the registered user according to the parameters set by the user.

Regarding Claim 19, Uchida discloses the system of claim 14 further comprising means for appending subscriber information to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-35), where the information is stored according to the registered user and the information is changed as the newest information.

Regarding Claim 20, Uchida discloses the system of claim 14 further comprising means for storing the received vehicle preference setting (parameter) in a database (46) (see col. 13, lines 24-27,40-43,63-65; col. 14, lines 18-21; Figs. 3 "ref. 110", 5 "ref. 312").

Regarding Claim 21, Uchida discloses a ROM (56) which reads on the claimed "computer readable medium" storing a computer program (see col. 13, lines 18-32; 36-48; col. 13, line 59 - col. 4, line 4; col. 14, lines 14-21; Figs. 1, 2, 11-12) comprising: program which reads on the claimed "computer readable code" for initiating communication between a mobile communication unit and a base station, wherein communication is performed within a mobile vehicle communication system (see col. 2, lines 16-20; col. 15, lines 42-45; col. 19, lines 30-51; col. 20, lines 41-51; Figs. 1, 7), where the system communicates via wireless communication to the dealer (20);

computer readable code for requesting at least one vehicle preference setting from the mobile communication unit (17) (see col. 15, lines 14-20; Figs. 3 "ref. 102", 7, 15 "ref. 512");

computer readable code for receiving the vehicle preference setting request at the mobile communication unit (17) (see col. 15, lines 32-35; col. 19, lines 26-35; Figs. 3 "ref. 110", 4); computer readable code for determining vehicle preference setting for the mobile communication unit (17) (see col. 15, lines 32-35,42-45; col. 18, lines 12-23,46-67; col. 21, lines 27-36);

computer readable code for transmitting to the base station the vehicle preference setting from the mobile communication unit (17) (see col. 15, lines 20-22,42-45; Figs. 3 "ref. 106", 4 "ref. 204"); and

computer readable code for receiving the vehicle preference data at the base station (20) (see col. 15, lines 20-22,42-45; Figs. 3 "ref. 109"; 4 "ref. 204").

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Regarding Claim 22, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one vehicle attribute to the vehicle preference setting (parameter) (see col. 18, lines 46-56; col. 24, lines 32-37,55-61; col. 27, lines 26-30; Fig. 6 "ref. 408").

Regarding Claim 23, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one system diagnostic to the vehicle preference setting (parameter) (see col. 1, lines 46-49; col. 24, line 64 - col. 25, line 17).

Regarding Claim 24, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one vehicle default setting to the vehicle preference setting (parameter) (see col. 14, lines 47-51; col. 27, lines 26-30), where the audio, for example, has preset radio list (see col. 20, line 11 "Table 1").

Regarding Claim 25, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one user identifier to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-31; col. 22, lines 17-26), where the user of the system has a log-in ID and information is stored for the registered user according to the parameters set by the user.

Regarding Claim 26, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending subscriber information to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-35), where the information is stored according to the registered user and the information is changed as the newest information.

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Regarding Claim 27, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for storing the received vehicle preference setting (parameter) in a database (46) (see col. 13, lines 24-27,40-43,63-65; col. 14, lines 18-21; Figs. 3 "ref. 110", 5 "ref. 312").

Regarding Claim 28, Uchida discloses a method for monitoring vehicle preference selection, the method comprising:

requesting user defined configurations (parameter) from at least one vehicle (17) using a wireless connection between a call center (e.g., 20, 30, 40) and the at least one vehicle (17) (see col. 15, lines 14-20; col. 19, lines 26-35,61-65; col. 27, lines 26-29; Figs. 1, 7); receiving the user defined configurations from the vehicle at the call center (20) (see col. 14, lines 47-50; col. 15, lines 32-35; col. 20, lines 4-25; col. 21, lines 17-23; Figs. 4-7); and analyzing the received user defined configurations (see col. 18, lines 12-22,56-67; Figs. 1, 7).

Regarding Claim 29, Uchida discloses the method of claim 28 further comprising appending at least one vehicle attribute to the user defined configurations (see col. 22, lines 9-16; col. 24, lines 39-51).

Regarding Claim 30, Uchida discloses the method of claim 28 further comprising at least one system diagnostic to the user defined configuration (see col. 1, lines 46-49; col. 24, line 64 - col. 25, line 17).

Regarding Claim 31, Uchida discloses the method of claim 28 further comprising appending at least one user identifier (e.g., log-in ID) to the user defined configuration (see col. 14, lines 48-51; col. 21, lines 30-31; col. 22, lines 17-26), where the user of the system

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has a log-in ID and information is stored for the registered user according to the parameters set by the user.

Regarding Claim 32, Uchida discloses the method of claim 28 wherein the user defined configuration comprises a radio station setting (e.g., radio station list) (see col. 19, line 48; col. 19, line 66 - col. 20, line 13; Fig. 7 "ref. 12B"), where audio ECU (12B) has list of radio stations.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (hereinafter Uchida) (US 6,127,947) in view of Lee et al. (hereinafter Lee) (US 6,728,531 B1).

Regarding Claim 2, Uchida discloses wherein the vehicle preference setting includes audio ECU (12B) parameter which reads on the claimed radio receiver preference setting (see col. 19, line 48; col. 19, line 66 - col. 20, line 13; Fig. 7). Uchida fails to disclose having the feature a satellite radio receiver. However, the examiner maintains that the feature a satellite radio receiver was well known in the art, as taught by Lee.

In the same field of endeavor, Lee discloses the feature a digital audio broadcast receiver (100) which reads on the claimed "satellite radio receiver" (see col. 2, lines 29-35; col. 5, lines 50-55; col. 6, lines 60-67; col. 7, lines 52-56; col. 8, lines 28-35; Figs. 1-3, 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Uchida and Lee to have the feature a satellite radio receiver, in order to having receive digital audio broadcasts via satellite, as taught by Lee.

Response to Arguments

5. Applicant's arguments filed 27 October 2004 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims and comments in this section).

Regarding applicant's argument of Claims 1, 14, and 21 on pg. 12, section A, 2nd paragraph, "Uchida does not disclose a vehicle preference setting", the Examiner respectfully disagrees. Uchida discloses a parameter which reads on the claimed "vehicle preference setting" (see col. 14, lines 18-21,32-50; col. 19, line 66 - col. 20, line 25; col. 13, lines 18-21; Figs. 1-2), where the vehicle electronic devices have parameters (characteristic values) of each ECU that are adjusted, set, and stored by an operator such as a dealer (e.g., manufacturer) and/or user. The vehicle onboard electronic devices are devices such as power

seats, headlights, suspension, audio, and wipers that allow an individual user and/or dealer to adjust, set, and store the parameters (preference setting).

- 6. In response to applicant's arguments, the recitation on pg. 12, section A, 4th paragraph "*monitoring* vehicle preference selections" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
- 7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of Claim 2 on pg. 13, section B, 2nd paragraph, "Uchida in view of Lee does not disclose a vehicle preference setting [including] a satellite radio receiver preference setting", the Examiner respectfully disagrees. Uchida discloses having a radio (12B) (e.g., audio and/or multimedia system) (see col. 19, line 48; col. 19, line 66 - col. 20, line 13; Fig. 7), where the vehicle includes a radio that has parameters (e.g., vehicle preference setting and) which include with preset radio station list (e.g., radio receiver preference setting). As additional support, Lee discloses a satellite radio receiver (20, digital audio broadcast receiver) (see col. 8, lines 28-35; col. 10, lines 55-60; col. 14,

lines 35-40; Figs. 1-2), where the multimedia device (20) includes a receiver (100) for satellite transmissions. Also, see claim 2 rejection above.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPO2d 1941 (Fed. Cir. 1992).

In this case, as support for the combining of the receivers (i.e. audio, radio, and/or satellite) and functionality of Uchida and Lee (see Lee - col. 5, line 50 - col. 6, line 40; Figs. 1-5). Applicant's statement "it would have been obvious..." can be found on pg. 13, section B, 3rd paragraph.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "to *upload* a satellite radio receiver preference setting") are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Regarding applicant's argument of Claim 2 on pg. 13, section B, 4th paragraph, the claim does not include the limitation "to *upload* a satellite radio receiver preference setting".

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent
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Marsha D Bank-Harold

WJD,JR 25 February 2005

MARSHA D. BANKS-HAROLD SUPERVISOR FOR EXAMINER TECHNOLOGY CENTER 2600